

441—101.3(218) Interviews and statements.

101.3(1) All residents will be informed of their right to remain silent.

101.3(2) When the resident agrees, interviews will be granted at the discretion of the superintendent. Whenever an interview is granted, at least one staff person shall be present for the entirety of the interview and shall have the authority to terminate the interview anytime the staff person feels the best interests of the resident are not being served.

101.3(3) The resident shall be represented by legal counsel during any interview being conducted to obtain information that will be or may be used in court against the resident.

101.3(4) Exceptions to 101.3(2) will be made only for the resident's own attorney or state officials acting in their official capacity.

101.3(5) The superintendent may deny an interview in situations deemed detrimental to the resident. The person requesting the interview shall be referred to the director, division of community programs, Iowa department of human services for approval.

101.3(6) Permission for written deposition may be granted by the superintendent following the aforementioned rules for granting interviews. One copy of the depositions shall be submitted to the superintendent. Voice recording of the interviews will not be permitted. This rule shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.